IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6031 OF 2005

Mrs. Anjali Niranjan Mulay & Anr. .. Petitioners.

Versus

Lala Urban Co-op. Bank Ltd., & Ors. ..Respondents.

Mr. Ashutosh M. Kulkarni for the Petitioners.

CORAM : S. A. BOBDE, J.

DATED : 16TH SEPTEMBER, 2005.

P.C.:

1. The petitioners have challenged the order of the Divisional Joint Registrar Co-op. Societies, Pune Division, Pune, vacating stay even though the matter was closed for orders. Having gone through the order which is annexed to the petition at Exh.I, it appears that the stay was vacated since the petitioner had suppressed the fact that he had been directed to pay instalments up-to-date till payment of principal amount of Rs.24/- lakhs plus interest on or before next date with undertaking to pay monthly instalment regularly without a single default.

2. I am therefore, not inclined to interfere with the impugned order.

3. The learned counsel for the petitioners states that these facts were, in fact, not suppressed. The petitioners would be at liberty to make an appropriate application to the Divisional Joint Registrar in this regard.

4. The petitioners further state that they are willing to deposit the amount due to the Bank. They are at liberty to make appropriate application in this regard before the Divisional Joint Registrar or such authority as may be advised.

5. Petition is dismissed with the above observations.

DT.16.09.05 (S.A.BOBDE,J)

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